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ABSTRACT

A discussion of the concept of equality as it relates to educational opportunities in New Jersey and as it has been interpreted both historically and in the present day setting, is the focus of this paper. The notion of equality and equal opportunity has been a part of American history from the beginning. Although throughout history many people have believed that equal educational opportunity existed and those who were not successful had only themselves to blame, this myth has been at least to some extent discredited by the Court's argument in the Brown vs Board of Education of Topeka, Kansas. Today, the meaning of the concept equal educational opportunity for the schools and for society is a subject of considerable debate and controversy. Some argue that equal per pupil expenditure or tax base equalization will bring about reform, while others suggest this is not enough and subscribe to a definition of equal educational opportunity as equality in terms of educational resources. Others espouse the belief that equal educational opportunity means that the average and the range of distribution in school achievement should ultimately be the same for all social groups. The meaning of equal opportunity in education regarding the nature of the opportunities themselves is an area of concern for New Jersey closely related to the question of finance and resource distribution. It is concluded that assessing the needs of all children and providing the resources to enable all to function effectively in society should be an important objective of current educational policy. (Author/AM)

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A Report Of

The New Jersey Education Reform Project

DEFINING EQUALITY OF EDUCATIONAL OPPORTUNITY FOR NEW JERSEY

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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By

Barbara Barnes
Teachers College
Columbia University

UD016479

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I. Introduction

In the State of New Jersey today children from the richer school districts, generally suburban, have more public money spent for their education than do children from the poor urban and rural districts of the state*. This means children in the poor urban and rural areas generally receive 'less' education than do children from the wealthier suburbs. As a result more educational resources are going to students more likely to succeed on their own in school because their cultural background is closely attuned to the goals of the schools. Fewer resources are available for those students whose home background are less oriented toward school activities. At the same time the local tax rates in the poorer sections of the State, particularly the urban centers, are considerably higher than the tax rates in the wealthier areas.[1]

Recently these inequalities in educational expenditures per pupil and in the educational opportunity available for each student have been challenged in the Courts. The New Jersey State Constitution sets forth the role of the state in education as "providing" for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in the State between the ages of five and eighteen years old."[2] In a 1972 New Jersey Civil Court action known as Robinson v. Cahill, Judge Botter of the Superior Court ruled that the system of financing public schools in New Jersey violates this 'thorough and efficient' requirement of the State Constitution. In upholding this decision the New Jersey Supreme Court defined a 'thorough and efficient' system of public education as one providing "that educational opportunity which is needed in the contemporary setting to equip a child for his role as a citizen and as a competitor in the labor market"[3]. Putting into practice an educational experience for each child which conforms to this definition by being both complete in content and equal in opportunity is an immense challenge now facing educators, legislators, and citizens in New Jersey. This paper will focus on a discussion of the concept of equality as it relates to educational opportunities and as it has been interpreted both historically and in the present day setting.

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*See Table VI. (Berke, Joel S. and Sinkin, Judy G. "Paying For New Jersey's Schools: Problems and Proposals").

II. History of the Concept: Equal Educational Opportunity

The notion of equality and equal opportunity has been a part of American history from the beginning. The Declaration of Independence reads "all men are created equal", yet there has seldom been any real concensus on the meaning of the term. The first interpretation of equal educational opportunity, which gained acceptance during the 19th century, meant that "all children must be exposed to the same curriculum in the school"[4]. Increased immigration into the United States from countries other than Great Britain and a bulging city population were factors contributing to the development of what soon became labelled the "common school." Coming together for a common program in a common environment, students of varying backgrounds would be encouraged and later forced to attend school in order to gain literacy and to become socialized into the mainstream American way of life. Boston school superintendent Horace Mann, a mid 19th century educator, helped to implement and popularize the idea of a common school. He believed the school could be an agent for social reform and social discipline, it would make possible upward mobility thus relieving poverty while at the same time the common school would help to preserve order by teaching "democratic" values and acceptance of the social order.[5]

The common school notion of equal educational opportunity is called the "input" approach. It meant that all were to have equal access to educational resources. However it was assumed and accepted that students would vary in their ability and their interest in taking advantage of the school resources. Individual capacity and choice would therefore determine who benefitted most. If certain groups didn't achieve as well as others, it was considered to be their own fault.[6] In practice some groups fell consistently near the bottom in their achievement and other groups remained near the top thus continuing their control over society.*

By the turn of the century, with industrialization within the framework of capitalism advancing in the United States, further differentiation of work tasks within an increasingly hierarchical organizational framework became necessary. A common school experience at the primary school level and a high school curriculum geared toward preparing the few for college was no longer adequate to prepare citizens for the world of work. The range of occupational choices was so broad as to necessitate different school curricula for different children based on their expected future occupational position. The second interpretation of equal educational opportunity in American history meant providing different school experiences for different children based on what was considered

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*For an elaboration of this point see Greer, Colin, The Great School Legend (New York Basic Books, Inc. 1972).

to be a "realistic" future for that individual.[7] In practice there was a strong relationship between the economic and social position of a student's parents and the economic and social position of the future occupational role a student was trained for by the school. In other words the children of professionals tended to be more often assigned to the academic track which prepared them for adult roles as professionals and manual laborers' children more frequently could be found in the vocational track being trained for work in the factories. Those in power did not seem to question this lack of a realistic possibility for social mobility as contrary to the idea of equal educational opportunity.*

In 1954 the United State Supreme Court ruled in Brown vs. the Board of Education of Topeka Kansas that the legal separation of school children by race violates the equal protection clause of the 14th Amendment to the Constitution which reads that no one within the states jurisdiction can be denied the equal protection of the laws. This means equal treatment. The court determined that segregation results in unequal educational opportunity because the effects of such schooling are likely to be different and unequal for the different races.[8] Whereas in the past, the child and his family had the responsibility for profitably using educational resources, for the first time there was the view that responsibility for achievement lay to a large extent with the educational institution itself[9], at least to the extent that schools may not engage in practices which prevent the child from maximizing his potential development. Even though this decision focused on the rights of Black people, it had important implications for all underachieving social and ethnic groups. A concern for the ultimate effects of schooling may mean that if any ethnic or socioeconomic group falls consistently below others, that the school itself may be at fault and that the lower achieving group's right to an equal educational opportunity was being violated.

Throughout our history many people have believed that equal educational opportunity existed and those who were not successful had only themselves to blame. Even those who didn't make it generally viewed their own weaknesses as the reasons for their failure. This "myth" has been at least to some extent discredited by the Court's argument in the Brown case.

III. Current Definitions and Implications of the Concept Equal Educational Opportunity

Today the meaning of the concept equal educational opportunity for our schools and for our society is a subject of considerable debate and controversy. Some reformers are striving to overcome current conditions wherein educational expenditures are dependent

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*For further elaboration of this point see Spring, Joel M., Education and the Rise of the Corporate State, Boston, Beacon Press, 1972

on the wealth of a district. Because of the inequality in property wealth, educational expenditures are grossly unequal. The goal of some of these reformers is to equalize property tax bases so that per pupil expenditures can be equalized when equal local tax effort is exerted, while the goal of other reformers of the same sort is more simply to have across the board equal per pupil expenditures. Other reformers argue that simply equalizing educational expenditures among all children is insufficient because it does not take into consideration the variances in the cost of acquiring identical resources in different kinds of school districts. For example, there are differences in teacher salary levels due to differences in area cost of living. The cost of land and school construction and maintenance, is generally higher in urban districts than in non-urban districts. The same is true for insurance and security needs. Urban districts may need to offer higher salaries than other districts to attract teachers of equal quality. Thus equal expenditure in practice would result in less services being available for the cities.[10*]

In other words, those who argue that equal per pupil expenditure or tax base equalization does not go far enough, subscribe to a definition of equal educational opportunity as equality in terms of educational resources. These include class size, the quality of the teaching staff, the offerings of the curriculum, and the physical facilities of the school.[11] However, critics of this perspective argue that even this interpretation is not broad enough; differences in out of school resources such as a child's home life, his diet and his experience with the English language are also important influences on school performance and must be taken into account in defining equal educational opportunity. Children who are born into an environment where the skills and attitudes fostered in the home are not the same as those used by the schools to define success do not have the same opportunity to achieve in school as those whose home life more closely mirrors and reinforces the school culture.[12] The school culture relies heavily on the child's reading and comprehension skills. These skills are more readily acquired by children from middle class homes in which parents have themselves developed these skills as a result of greater than average years of education, and where the family income and interests encourage the acquisition and use of large quantites of diverse reading material. Consequently, when they enter school,children from such homes are more likely to acquire reading skills rapidly and easily, and are more likely to receive continuing support and reinforcement throughout their school careers. It follows then that inequalities among children entering the school setting must be compensated for as part of the school's responsibility to enable all to achieve.

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*For further elaboration of this point see Betsy Levin, et.al. High Cost of Education in Cities and Callahan, Wilkens & Silberman, Urban Schools & School Finance Reform: Promise & Reality.

From this reasoning comes a definition of equal educational opportunity which means that the average and the range of distribution in school achievement should ultimately be the same for all social groups. Neither social class, income, sex, or race should be a barrier to educational success, and the extent to which they are, for example, the difference in achievement levels between Black Americans and White Americans, or between those whose family income is below the government defined poverty line and those whose family income lies above the line, to that extent inequality in educational opportunity still exists.[13]

The implications for schooling of this last interpretation of equal educational opportunity are enormous. James Coleman, an important leader in the field of educational sociology, asserts that implementation of this definition of equal educational opportunity may require "a change in the very concept of the school itself, from being an agency within which the child is taught to being the agent responsible for seeing that the child learns - a responsibility in which the school's own facilities may play only a part."[14] Health care, parent training and out of school study facilities are among the non-educational services the schools may be called upon to provide.

Research studies have shown that, today, schools have little impact on a student's progress that is not fundamentally dependent on the socio-economic background of that student. If the influences most affecting learning are not school related, then equal educational opportunity must also include a consideration of these other factors, such as the economic resources of the family and the quality of home life for the child.[15]

Another orientation addressing these same questions concerning the ability of the school to provide equal opportunity and the relationship between the school and other forces in society goes even further. This perspective claims that changes in the school experience can never by themselves bring about equality in economic terms among adult social groups. The goal of equal educational opportunity, defined by this school of thought as providing all with a fair chance for economic success as adults irrespective of social or ethnic background, is considered totally unrealistic given our current economic and social system. From this viewpoint education can not be looked to as a means for solving non-educational problems. Only economic action taken in the political arena can be the cure for economic inequalities or injustices presently existing among social groups in our society. This view asserts that our present economic order, defined at its most fundamental roots by inevitable inequalities in power and economic resources, makes significant improvement in equality of educational opportunity impossible. The ability of wealthier individuals to pass on their advantages to their children by providing them with greater educational and economic opportunities, is too great for even the most egalitarian public education system to overcome.[16]

Nevertheless, throughout our history, schools have been thought of as important instruments for lessening inequalities in our society by providing equal educational opportunities within a democratic framework. However, research is beginning to show that the schools themselves may contribute to the problems of inequality. An example of the school's present role in perpetuating inequality among various social and economic groups is evidence showing that the inequalities in school achievement among children of different economic and social backgrounds becomes greater as the students progress through the school grade levels.[17] Clearly, if schools are to be used to lessen inequalities or to provide for equal opportunities, their function in practice within our society today will have to be carefully examined and new measures will have to be developed to enable the schools to carry out their historic responsibility. The New Jersey Supreme Court action in Robinson v. Cahill is a chance for such an evaluation and investigation of the schools role in promoting or impeding equal opportunity.

IV. Equal Educational Opportunity in New Jersey Today

Since the 1972 initial court ruling in Robinson v. Cahill, there has been considerable interest in New Jersey in interpreting what equality of educational opportunity means in practical terms. Equalizing the per pupil distribution of property tax bases to each school district within the state, regardless of its actual financial wealth, is one area of concern. Currently property taxes are the main source for financing education in New Jersey. This means that those districts with higher property values can and do provide better education at a lower tax rate than communities with lower property values. In recent years the State Legislature has taken some steps to lessen discrepancies in educational expenditures per pupil as well as local school tax efforts among school districts, by providing state aid to education based on various formulae which make more funds available to those communities with lower tax bases. These state efforts at equalization, however, have been judged by the court to be clearly inadequate. A new state plan for financing education, which as a minimum does not base a child's educational opportunity on the wealth of his family or that of his neighbors has to be devised.

The meaning of equal opportunity in education regarding the nature of the opportunities themselves is an area of concern for New Jersey closely related to the question of finance and resource distribution. In what ways must the services provided by the schools and the skills taught there be altered to reflect changing times? What part do outcomes or the results of schooling or student performance play in measuring the extent to which equal educational opportunity has been provided? The New Jersey State Constitution requires that a 'thorough and efficient' education be provided for all children in the

state. Yet the New Jersey Supreme Court in Robinson v. Cahill said:

> ...The State has never spelled out the content of the educational opportunity the Constitution requires. Without some such prescription, it is even more difficult to understand how the tax burden can be left to local initiative with any hope that statewide equality of educational opportunity will emerge. 62 N.J. 473,516(1973).[18]

The Court in this case defined the desired outcome of school experience as acquiring the capacity to function as a productive citizen. In the Court's words:

> ...The Constitution's guarantee must be understood to embrace that educational opportunity which is needed in the contemporary setting to equip a child for his role as a citizen and as a competitor in the labor market. 62 N.J. at 515.(Emphasis added.)[19]

This definition of 'thorough and efficient' will most likely translate in practice as unequal distribution of resources within the educational environment, an inequality of distribution of educational resources necessitated by inequalities in children's experience outside of the school setting. Again to quote the Court:

> ...Although we have dealt with the constitutional problem in terms of dollar input per pupil, we should not be understood to mean that the State may not recognize...a need for additional dollar input to equip classes of disadvantaged children for the educational opportunity (required). 62 N.J. at 520[20]

Practically speaking less resources will be needed to enable a child to grow to become a fully functioning adult whose home environment includes the physical comforts of adequate rest and nourishment and emotional and intellectual support for the skills and values the school is attempting to foster; and it will take more resources to educate a child whose home environment lacks many of these ingredients. It is just possible that a substantial imbalance in educational expenditures to the advantage of those who are as yet less than equal in our society can at long last begin to make into a reality what thus far in our history has been the myth of equal educational opportunity.

V. Conclusion

Equality of educational opportunity must be viewed within the larger framework of the goals set by our society for itself and for the individuals within it. If by the

Constitutional statement "all people are created equal" it means all are entitled to a life which will enable them to fulfill their human potential, then an important goal of government policy must be to remove blocks to that fulfillment, be they economic, social or educational. If access to educational opportunity and achievement in educational institutions are dependent on wealth, social class, race, or sex, as they are today and have been throughout our history, then the goals of equal educational opportunity are not being realized. The reasons why this is so must be investigated.

The role of education in America has been traditionally perceived as the key to social and economic mobility. This belief is reinforced by reference to the ability of the educational system to assimilate and socialize waves of immigrants and to enable many of those individuals to "rise above their station". Many perceive the system as offering equality of opportunity which depends essentially upon each individual's talent, choice and determination, while failure to make it is viewed as a failure of the individual.

Therefore one view of equality of educational opportunity is to provide each individual with equal resources and permit each individual to maximize his or her potential. Because our public education system has tended to provide more resources to the children of the wealthy and less to the children of the poor, particularly minority families, some reform efforts focus on insuring at least an equitable distribution of resources or "inputs".

Other reformers focus on educational results or "output". When educational results are unequally distributed by income level, race, ethnicity and sex, rather than ability, the school system should be used as an institution to overcome those unequal educational results which are attributable to the effects of environment on learning. This view holds that for those who are born into a relatively disadvantaged environment, equal educational resources are insufficient if they are ever to be able to catch up to their more advantaged peers, in terms of equal educational results.

Some assert that our economic order, characterized by inequalities in power and in economic resources, makes significant change impossible. That view holds that for all people to be able to fully develop their human potential and to be provided with equal opportunities, basic structural changes of an economic and political nature may be necessary.[21] However, educational reformers of the 1960's did not generally subscribe to the above viewpoint. Although their reform efforts, such as ESEA, have not yet demonstrated particular success in using the schools to effect fundamental change in equality of educational opportunity among economic and social groups in our society, the insufficiency of resources and the relatively limited passage of time, prohibit meaningful evaluations of the potential effectiveness of alternative reform models.

Many questions still remain unanswered. Yet the direction in which we might move has become somewhat clearer over the last few years. The Court in Robinson v. Cahill has declared that a particular level of school achievement is necessary in order to function successfully in society. It follows then that from a legal perspective at least, educational resources should be allocated in a manner which will accomplish this goal. Assessing the needs of all children and providing the resources to enable all to function effectively in society should, in this writer's opinion become an important objective of current educational policy. The development of concrete programs which would offset the disadvantages many children face in their efforts to become full citizens, could be a concrete step toward the realization of equal educational opportunity.

TABLE VI

STATE AID PER PUPIL AND PER PUPIL EXPENDITURES
BY TYPE OF DISTRICT

District	Valuation Per Pupil 1972[a]	School Tax Rate 72	State Aid Per Pupil 72-73[b]	Expenditures Per Pupil 71-72[c]
Central Cities				
Camden	$ 17,220	2.40	$ 496	$ 799
Elizabeth	48,515	2.09	191	1006
Jersey City	28,358	2.67	332	907
Newark	19,680	3.59	528	1060
Paterson	26,206	2.16	390	844
Trenton	23,328	2.62	486	1016
Other Cities				
Atlantic City	43,762	1.44	225	806
East Orange	34,054	2.83	252	1100
Hoboken	20,074	2.49	385	906
Perth Amboy	43,671	1.67	220	949
Plainfield	35,031	3.09	261	1050
Wealthy Suburbs				
Bedminster	142,602	1.01	243	1360
Englewood Cliffs	162,337	1.13	187	1647
Mahwah	87,313	1.79	217	1456
Millburn	105,659	1.45	170	1436
Princeton Reg.	93,522	1.64	215	1518
Secaucus	134,753	1.10[a]	205	1312
Springfield	82,031	1.99	168	1497
Tenafly	81,948	2.13	129	1406
Union Twp	92,401	1.28	167	1079
Poor Suburbs				
Audubon Park	4,684	5.63	567	717
Haddon Heights	40,381	2.34	177	856
Hamilton	39,202	2.25	205	831
Willingboro	19,763	2.69	401	860

Continued.....

TABLE VI (Continued)

District	Valuation Per Pupil 1971-72[a]	School Tax Rate 72	State Aid Per Pupil 72-73[b]	Expenditures Pc Pupil 71-72[c]
Rural				
Hampton	$ 18,271	3.60	$ 446	890
Sandyston-Walpack	87,717	1.49	256	1293
Stanhope	28,027	3.20	326	957
Tewksbury	75,933	2.07	224	1036

[a] Equalized valuation of property in 1972 divided by average daily enrollment for 1971-72. Equalized valuation is the sum of the following: (1) aggregate true value of Real Estate (exclusive of Class II Railroad Property), (2) assessed value of Class II Railroad Property and (3) assessed value of all personal property.

[b] 1972-73 current expense and building aid divided by resident enrollment on September 30, 1971. 1972-73 aid was used because the Bateman Act was funded at a higher level for the 1972-73 school year. This figure thus gives a better impression of the distribution of state aid.

[c] Total day school expenditures divided by average daily enrollment. Does not include expenditures for debt services, budgeted capital outlay or improvement authorizations.

[i] 1973

Source: NJEA, Basic Statistical Data of New Jersey School Districts, 1973 Edition (Trenton, New Jersey: 1973), pp 21-33.

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Footnotes

[1]Berke, Joel S. and Sinkin, Judy G. "Paying for New Jersey's Schools: Problems and Proposals", a report to the New Jersey Education Reform Project of the Greater Newark Urban Coalition, Inc. (Newark, N.J., Feb. 1974) pp.2-3

[2]Moock, Peter and Noah, Harold, "The Concepts of Equality, Thoroughness, and Efficiency as Applied to the Financing of Public Schools", a report to the Joint Education Committee, Legislative Services Agency, State of New Jersey, May 1974, p.2.

[3]Berke, op. cit., 28.

[4]Coleman, James, "The Concept of Equality of Educational Opportunity" in Harvard Educational Review , Vol.38 #1, Winter 1968

[5] Levine, Donald M. and Bane, Mary Jo, eds."The Inequality Controversy: Schooling and Distributive Justice," (New York, Basic Books) 1975, p.50.

[6]Tesconi, Charles, A. Jr. and Hurwitz, Emanuel Jr., "Education for Whom? The Question of Equal Educational Opportunity," (New York: Dodd, Mead, & Company 1974) p. 20.

[7]Coleman, op. cit., p. 13.

[8]Tesconi, op. cit., p. 21.

[9]Coleman, op. cit., p. 15.

[10]Moock, op.cit.,p.4.

[11]Coleman, op.cit. p.16 and Moock, op. cit., p.5

[12]Tesconi, op.cit.p.22.

[13]Green, Thomas F."Equal Educational Opportunity: The Durable Injustice," in Tesconi op. cit. p. 87.

[14]Coleman, James S.,"Responsibility of the Schools: A Sociologist's Perspective" in Tesconi, op.cit., p. 107.

[15]Coleman, op. cit., p. 22 and Tesconi op. cit., p.26.

[16]Bane,Mary Jo and Jencks, Christopher,"The Schools and Equal Opportunity"in Tesconi op.cit., p. 149.
Blackstone, William T.,"Human Rights Equality and Education"in Tesconi, op.cit.p.107.
Lasch, Christopher,"Inequality and Education"in Levine, op.cit., p.54.

[17]Tesconi, op. cit., pp. 14 and 27

[18]Tractenberg, Paul, "Statement" Joint Education Committee.

[19]Ibid.,p.6

[20]Ibid., p.5

[21]Bowles, Samuel,"An Economic Perspective," in Tesconi, op.cit., p.133